

REMARKS

Claims 1-34 are pending in this application. Claims 1, 22 and 29 are independent claims. By this Amendment, claims 2 and 30 are amended to correct informalities. Thus, no new matter is added.

Allowable Subject Matter

Applicants note that claims 7, 8, 10, 14, 15, 17-20 and 24-27 are indicated as being allowable if amended to overcome the rejection under 35 USC §112, second paragraph, and if rewritten in independent from including all of the limitations of the base claim and any intervening claims. Claims 7-11, 14, 15, 17-20, 22 and 24, as well as the remaining pending claims are allowable for the reasons discussed below.

Specification

The abstract of the specification is objected to for containing legal phraseology. As a Substitute Abstract is provided whereby the legal phraseology is removed, withdrawal of the objected is respectfully requested.

Claim Objection

Claim 30 is objected to due to an informality. As claim 30 is amended to correct the typographical error noted in the Office Action, withdrawal of the objection is respectfully requested.

Claim Rejection Under 35 USC §112

Claims 2-20, 23-27 and 30-34 are rejected under 35 U.S.C. §112, second paragraph, for allegedly being indefinite. Specifically, it is alleged that there is no antecedent basis for “the frame parts” recited in claims 2 and 30.

Claims 2 and 30 are amended to address the antecedent issues. Therefore, withdrawal of the rejection is respectfully requested.

Rejections under 35 U.S.C. §103

Claims 1-6, 9, 11-13, 16, 21-23 and 28-34 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0189348 ("Lindstrom") in view of US Patent 5,163,726 to Boos et al. (Boos). The rejection is respectfully traversed.

Lindstrom discloses spreaders for lifting two containers simultaneously, side-by-side in a lateral plane (paragraph [0001]). In Lindstrom, an elongate main frame 1 is arranged and supported by cables 2 from a crane (not shown). Sub-frames 6, 7 each have a width of a container 4, 5 (Fig. 1) and are pivotally suspended by rods 10 in each end of the main frame 1. As illustrated in FIG. 4, the sub-frames 6, 7 may be suspended from a common, transverse guide means 11 that is driven and controlled for a lateral displacement of a load center relative to the wires 2 (paragraphs [0023]-[0024]; FIG. 4).

It is alleged in the Office Action that the sub-frames 6, 7 are adjustable between extended and retract positions and are capable of picking up certain secondary frames of various dimensions so long as the secondary frames can accommodate the twist locks 3.

However, it appears the Examiner may be overlooking the claimed features wherein the frame is adjustable in a transverse direction between a retracted position, in which a transverse dimension of the frame is at most equal to that of the secondary hoisting frame and the container, and an extended position in which the transverse dimension is larger than that of the secondary hoisting frame, and wherein the means for picking up are for picking up a single secondary hoisting frame in the retracted position and for picking up two mutually adjacent secondary hoisting frames in the extended position.

In Lindstrom, the twist locks 3 on each of the sub-frames 6, 7 are spaced to pick up a single container, respectively (see paragraph [0020]; Fig. 1). Thus, it is clear from the description in Lindstrom that the width, or transverse dimension of each of the individual sub-frames 6, 7 correspond to the width of a container 4, 5. Therefore, in the retracted position of the frame, when the sub-frames 6, 7 are brought close together (retracted position) the transverse dimension is still twice the width of a container (i.e., the width of two containers). Drawbacks due to this limitation of hoisting device of Lindstrom are discussed in detail in the Background section of the present application.

It is further alleged in the Office Action that Boos shows a spreader bar 10 to pick up an over height attachment 20 for handling over height cargo supported on a pallet. As the Examiner

does not set forth a reason for the citation of Boos, the applicability of the reference in establishing *prima facie* obviousness is unclear.

Applicants note that Boos discloses that the dimensions of the over height attachment 20 are adapted to the spreader 10, which dimension is dictated by the dimensions of a container. See for example, column 1, lines 23-27 which recites, "Historically, a device known as an over height attachment has been utilized with spreader bars when it was desired to engage a cargo load on a flat rack or pallet as opposed to the conventional rectangular box-like cargo containers engaged by unassisted spreader bars." Additional evidence of the relationship between the dimensions of the over height attachment and a container may also be found at column 3, lines 33-41 which recites "Spreader bar 10 includes conventional twist locks 14A-14D at each corner thereof which are conventionally utilized in order for spreader bar 10 to engage a rectangular box-like shipping container to transfer cargo at a dock facility or the like. An over height attachment 20 is shown which is detachably engageable by spreader bar 10 in order to facilitate lifting of cargo loads which have been positioned on flat racks, pallets or the like."

Thus, Boos fails to overcome the deficiencies of Lindstrom. Therefore, the combination of references fails to disclose or suggest the frame is adjustable in a transverse direction between a retracted position, in which a transverse dimension of the frame is at most equal to that of the secondary hoisting frame and the container, and an extended position in which the transverse dimension is larger than that of the secondary hoisting frame, and wherein the means for picking up are for picking up a single secondary hoisting frame in the retracted position and for picking up two mutually adjacent secondary hoisting frames in the extended position.

Accordingly, Applicants respectfully request that this rejection of claims be withdrawn.

CONCLUSION

In view of the above remarks and amendments, Applicants respectfully submit that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

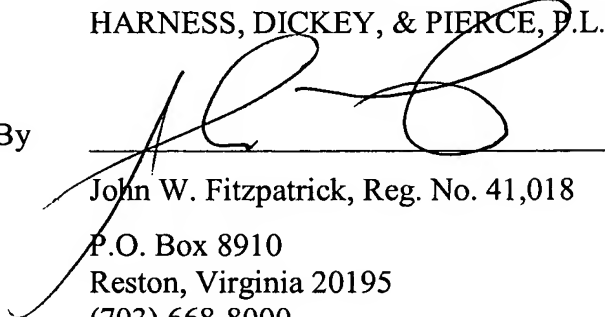
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Fitzpatrick, Reg. No. 41,018 at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By



John W. Fitzpatrick, Reg. No. 41,018

P.O. Box 8910

Reston, Virginia 20195

(703) 668-8000

DJD/JWF/kas